

IN THE SUPERIOR COURT OF BUTTS COUNTY
STATE OF GEORGIA

TROY ANTHONY DAVIS,)
Petitioner,)
)
)
)
vs.)) CASE NO.:
)
CARL HUMPHREY, Warden,)) **EXECUTION IS SCHEDULED**
Georgia Diagnostic Prison;)) **FOR SEPTEMBER 21, 2011**
)) **AT 7:00 P.M.**
Respondent.)

MOTION FOR STAY OF EXECUTION

TROY ANTHONY DAVIS, by and through undersigned counsel, respectfully requests that this Court enter a stay of execution of his death sentence, currently scheduled for 7:00 PM on September 21, 2011. In support of this motion, Mr. Davis shows the following:

On September 6, 2011, an execution warrant issued in the Superior Court of Chatham County, setting Mr. Davis's execution for the week of September 21-28, 2011. *See Exhibit A.* Mr. Davis's execution is now scheduled for September, 2011, at 7:00 PM.

Mr. Davis has filed with this Court a Petition for Writ of Habeas Corpus, challenging the constitutionality of his sentence of death based on newly available evidence which exposes key elements of the state's case against Mr. Davis at trial to be egregiously false and misleading, fatally undermining the Constitutionality of his conviction and death sentence, including evidence demonstrating that previously discredited GBI forensic examiner Roger Parian¹ offered false testimony regarding ballistics evidence which the state relied upon in arguing the case for guilt and death. Mr. Davis has asserted grounds for relief which warrant this Court's careful consideration and intervention. Thus, he respectfully requests that this Court stay his execution and give him the opportunity to prove his constitutional claims for relief.

WHEREFORE, Mr. Davis requests that this Court stay his execution pending resolution of the proceedings and further Order of this Court.

¹ See Nelson v. Zant, 261 Ga. 358 (1991).

Dated this 21st day of September, 2011.

Respectfully submitted,



Brian Kammer (Ga. 406322)
Georgia Resource Center
303 Elizabeth Street, NE
Atlanta, GA 30307
404-222-9202

COUNSEL FOR PETITIONER

Exhibit A

IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA

FILED IN OFFICE

THE STATE OF GEORGIA,

v.

TROY ANTHONY DAVIS,

Defendant.

*
* CRIMINAL NO.
* 089-2467-H
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*
*
*
*

2011 SEP -6 PM 3:53

Patricia J. S.
DEP. CLK SUPERIOR CT.
CHATHAM COUNTY, GA

ORDER

The Court having sentenced Defendant, Troy Anthony Davis, on the 3rd day of September, 1991, to be executed by the Department of Corrections at such penal institution as may be designated by said Department, in accordance with the laws of the State of Georgia, and;

The date for the execution of said Troy Anthony Davis, having passed by reason of supersedeas incident to appellate review;

IT IS CONSIDERED, ORDERED, AND ADJUDGED by this Court, pursuant to O.C.G.A. § 17-10-40, that within a time period commencing at noon on the 21st day of September, 2011 and ending seven days later at noon on the 28th day of September, 2011, the Defendant, Troy Anthony Davis, shall be executed by the Department of Corrections at such penal institution and on such a date and time within the aforementioned time period as may be designated by said Department in accordance with the laws of the State of Georgia.

It is FURTHER ORDERED that the Clerk of the Superior Court of Chatham County, Georgia shall record this order on the

minutes of the court and shall cause a certified copy of this Order for execution of the original sentence to be served immediately to the Attorney General of Georgia, the Eastern Judicial Circuit District Attorney, the Commissioner of the Georgia Department of Corrections, the Warden of the Georgia Diagnostic and Classification Prison, and Defendant's last known attorney of record.

This 6th day of September, 2011.



PENNY HAAS FREESEMANN
JUDGE, SUPERIOR COURT
EASTERN JUDICIAL CIRCUIT

Prepared by:

David E. Perry
Chief Assistant District Attorney
Eastern Judicial Circuit
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Georgia Diagnostic Prison;) FOR SEPTEMBER 21, 2011
) AT 7:00 P.M.
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CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing document this day by hand delivery and/or electronic transmission, on counsel for Respondent at the following address:

Beth Burton
Senior Assistant Attorney General
40 Capitol Square, SW
Atlanta, GA 30334

This the 21st day of September, 2011.



Attorney